

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on August 3, 2004. The arguments presented in this paper are consistent with the arguments discussed during the Interview.

Claims 1-26 are pending, of which claims 1 and 10 are independent method claims, and claim 20 is an independent computer program product claim corresponding to independent method claim 1.

The Office Action objected to claim 19 because it ended with a semicolon. As indicated above, Applicants have amended claim 19 accordingly. Applicants respectfully submit, therefore, that the objection to claim 19 has been overcome and should be withdrawn. Applicants note for the record that claims 1 and 10 have been amended solely to correct a grammatical oversight (in order to place the word "and" between the next to the last and the last limitations of each claim) that does not effect the scope of the respective claims and therefore does not evince an intent to surrender any subject matter.

The Office Action rejected all claims under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,643,355 to Tsumpes ("*Tsumpes*").¹

Applicants' invention, as claimed for example in independent method claim 1, relates to efficiently notifying the client system of the occurrence of a monitored event, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system. The method includes the client system sending a request to the server system, wherein the request is that the server system transmit a packet of data to the client system using a connectionless protocol, the client system attempting to receive a packet of data from the server system, wherein the packet of data is sent using a connectionless protocol, the client system requesting that notifications be sent using the connectionless protocol, if the attempt to receive the packet of data is successful, and the client system requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data is not successful. Independent claim 20 recites similar limitations from the perspective of a computer program product.

¹Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

Applicants' invention as claimed for example in independent method claim 10, relates to determining if notification from the server system to the client system is viable, using a connectionless protocol, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system. The method includes a step for the client system to determine if communication can be received from the server system using the connectionless protocol, the client system requesting that notifications be sent using the connectionless protocol, if the attempt to receive communication is successful, and the client system requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive communication is not successful.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. That is, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation. During examination, the pending claims are given their broadest reasonable interpretation, *i.e.*, they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

Tsumpes relates to alarm and event notification systems. Col. 1, ll. 14-23; Figure 1. One of the problems with conventional monitoring stations is that only one employee is responsible for processing an event and the subscriber has no direct control over how the event is handled. Col. 2, ll. 6-12. Thus, on many occasions, due to the manual nature of processing calls (*i.e.*, calls to notify a subscriber of an event) one at a time, vital minutes lapse between when an actual breach or emergency occurs and the subscribers and/or authorities are notified. Col. 2, ll. 12-16.

To address this shortcoming, *Tsumpes* provides an automated and redundant subscriber contact and event notification system. Col. 2, ll. 33-40. Subscribers select and enter information regarding the number of persons to be notified and a list of telephone numbers and notification channels to be notified in relation to a particular event, including telephone numbers, mobile telephone numbers, pager numbers, fax numbers, voice mail numbers, email addresses, steps to be taken, hours of operation, etc. Col. 6, ll. 10-23. The parallel and redundant calling of plural

numbers and contact and notification over plural communication channels insures that the subscriber or an authorized person will be contacted quickly even in the event one of the communication channels may be rendered inoperative or any one of a subscriber contact persons be unavailable. Col. 8, ll. 25-30.

Among other things, however, *Tsumpes* fails to teach or suggest a client system sending a request to the server system, wherein the request is that the server system transmit a packet of data to the client system using a connectionless protocol, attempting to receive a packet of data from the server system, wherein the packet of data is sent using a connectionless protocol, requesting that notifications be sent using the connectionless protocol, if the attempt to receive the packet of data is successful, and requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data is not successful, as recited in independent claims 1 and 20, and *Tsumpes* fails to teach or suggest a step for the client system to determine if communication can be received from the server system using the connectionless protocol, requesting that notifications be sent using the connectionless protocol, if the attempt to receive communication is successful, and requesting that notifications be sent using a connection-oriented protocol, if the attempt to receive communication is not successful, as recited in independent claim 10.

At page 9 of the Specification, beginning with line 11, Applicants indicate that the term "connectionless protocol" generally refers to protocols where a session is not established between two network devices before data transmission begins. Thus, there is not guarantee that packets will get to a destination in the order they were sent, or even at all. Since no session is established when using a connectionless protocol, determining whether or not a data packet sent using a connectionless protocol has been received is somewhat contrary to selection of a connectionless protocol in the first instance, since connection-oriented protocols usually facilitate verification that a data packet has been correctly delivered, and therefore represent a more logical choice for the desired functionality. *Tsumpes* does not appear to make or appreciate any distinction between connectionless and connection-oriented protocols whatsoever.

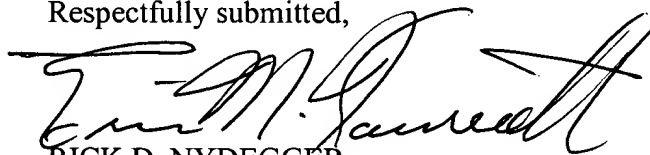
The Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that the arguments presented with respect to the independent claims distinguish over the cited art and that the Examiner will update the search upon receiving Applicants' formal response.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 10, and 20. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 27th day of August, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", written over the typed name.

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